

THE TREATY GETS ANOTHER AIRING.

Principal Topic of Discussion in
the Senate Yesterday.

CHAIRMAN MORGAN'S REPORT

The President Called Upon For Information
Several Treaties Ratified The
Hay-Pauncefote Treaty Discussed by
Senators Foraker and Morgan Report
of Chairman Morgan of the Senate Com-
mittee on Inter-Oceanic Canals - Con-
firmation Nominations - Short Session of
the House.

(By Telegraph to Virginian-Pilot.)
Washington, Dec. 18.—Again today
the Senate had under discussion the
Hay-Pauncefote treaty in executive
session. No business of consequence
was transacted in open session. Mr.
Tillman (South Carolina), read the fol-
lowing resolution:

"Resolved, That the President be and
is hereby requested, if not in his judg-
ment incompatible with public interest,
to furnish the Senate all information
and copies of all correspondence be-
tween this government and the govern-
ment of Colombia, showing what steps
have been taken by this government to
secure a treaty between the two govern-
ments or a modification by Colum-
bia of existing treaties or concessions
with the view securing to the United
States the right to construct a canal
over the territory of Colombia, be-
tween the Atlantic and Pacific oceans."

At 12:30 the Senate went into execu-
tive session.

FIVE TREATIES RATIFIED.

The Senate then ratified five treaties
of comparatively little consequence.
These included an agreement supple-
mentary to the Hay-Pauncefote treaty
itself and extending the time within
which it may be ratified. Under the
terms of the original treaty the time
for ratification expired five months ago.
The agreement favorably passed upon
today extends the time until the 1st
of March.

The other treaties ratified were as
follows: Extending for one year the
time within which the commercial
treaty with the Argentine Republic
may be ratified and the same exten-
sion for the treaty with Great Britain for
reciprocity with Jamaica. The new ex-
tradition treaties with Bolivia and
Brazil.

MR. TILLMAN'S RESOLUTION.

The resolution offered earlier in the
day by Mr. Tillman was then agreed to
after being amended at the instance
of Senator Morgan, so as to also call
for all the correspondence with the
Panama Canal Company, including all
offers on the part of the company, and
all negotiations with it concerning the
Panama canal.

The friends of the Hay-Pauncefote
occupied most of the time in the con-
sideration of that treaty, Senators
Foraker and Morgan being the speak-
ers.

RIGHT TO DISCRIMINATE.

Senator Bard, of California, gave
notice of an amendment he will offer
to the treaty providing that the United
States shall have the right to "dis-
criminate in favor of American goods
shipped through the canal if American
vessels are engaged in coastwise
trade."

Senator Foraker's speech was a de-
fense of the Hay-Pauncefote treaty,
and he took occasion to praise in high
terms Secretary Hay.

Senator Morgan traversed much of
the ground he had already covered. He
said that the ratification of the Hay
treaty is a debt we owe to Nicaragua
and Costa Rica. Those countries, if
they should see fit, might rise up and
refuse to allow us to do anything;
hence we could not afford to do any-
thing that would offend them.

CHAIRMAN MORGAN'S REPORT.

(By Telegraph to Virginian-Pilot.)
Washington, Dec. 18.—Senator Mor-
gan, chairman of the Senate committee
on inter-oceanic canals, to which was
referred the preliminary report of the
Isthmian canal commission today sub-
mitted a partial report thereon in con-
nection with the protocols of agree-
ment with Costa Rica and Nicaragua,
relating to the proposed canal, which
were submitted recently to the Sen-
ate. The report says the statement of
the Walker commission and the pro-
tocols referred to have a direct bear-
ing upon what is known as the Hep-
burn bill, now on the Senate calendar.
That bill is a declaration of the policy
of the United States, the report
reads, "for a canal under control of
this government. It is the law of ne-
cessity, rather than the expectation of
profit or advantage to the United
States, that compels us to construct,
own and control a ship canal through
Costa Rica and Nicaragua, and the
geographical relation of those States to
our country, and the prestige of the
United States among American govern-
ments point to us as the power that
must incur the expenditure and is in-
vested with the authority to control
the canal as a marine highway for
ships of all nations."

"As the basis and condition prece-
dent of the accomplishment of the
great task of duty the United States
must first acquire from Costa Rica
and Nicaragua, by agreement, the
right to construct, own, control and
manage the canal. In doing this we
must fully recognize their sovereign in-
dependence and authority over those
countries respectively, and deal with
them without any attempt at en-
croachment on their national rights."

A FATAL ACT.

"The acquisition of the sovereign
ownership of a tract of country, in-
cluding the line of the canal, would
separate Nicaragua into two parts, be-
tween which the sovereignty of the
United States would be interposed."

her constitution, which forbids any
cession of territory to a foreign state,
the severance of her territory by such
mutilation would destroy its territorial
integrity and with it the republic.
Such an effort is beyond the purpose
of the House bill and is unnecessary to
the enjoyment of any privilege or right
that relates to the ownership, control
or management of the canal.

"If the Senate shall concur with the
House in the passage of this bill it will
be a movement of such force as will
draw after it the settlement of any in-
ternational difficulties that may exist,
without friction or danger to the peace
and good will that exists between the
United States and other nations."

Attention is directed to a treaty be-
tween Great Britain and Nicaragua
that contains the identical provisions of
our treaty of 1857. "If that treaty
remains," the report says, "Nicaragua
cannot grant us the ownership, control
and management of a canal in her ter-
ritory that is free from all military in-
terference or control by Great Britain."

The report discusses at length the
operation of the Clayton-Bulwer treaty
and refers to the pending Hay-Pauncefote
treaty.

"The Senate engaged in a negotia-
tion with Great Britain, which may
or may not result in an agreement,
cannot afford to refuse to consider a
bill so important to the country as the
Hay-Pauncefote treaty, merely to await
the pleasure of one-third of the body."

The report says that Costa Rica and
Nicaragua were not prohibited by the
Clayton-Bulwer treaty from disposing
of canal privileges, or their entire ter-
ritory, if their people so desired, to the
United States or to any other power
for the reason that they are not parties
to that treaty. If such was the pur-
pose of that treaty it failed, not only
for that reason, but also because it was
a flagrant usurpation on the part of the
great nations that made the agree-
ment and was condemned, as it still is,
reprobated by the morality of nations."

CONCILIATION.

The Senate has confirmed the nomi-
nation of John W. Yorkes, of Ken-
tucky, to be commissioner of internal
revenue.

NOMINATIONS.

Washington, D. C., Dec. 18.—The
President today nominated John C.
Aldrich, of Pennsylvania, now Min-
ister to Switzerland, to be United
States Minister to Turkey; Arthur S.
Hardy, of New Hampshire, now Min-
ister to Greece, Roumania and Servia,
to be Minister to Switzerland; Charles S.
Francis, of New York, to be Minister
to Greece, Roumania and Servia.

SHORT SESSION OF HOUSE.

Washington, Dec. 18.—The House
devoted the day to District of Columbia
business. The whole time was occu-
pied in the consideration of a bill to
change the terminal facilities of the
Pennsylvania Railroad in this city and
to provide for the elevation of its
tracks across the Mall south of Penn-
sylvania avenue. The opposition was
persistent, but after much filibustering
the friends of the bill succeeded in se-
curing a recess until 11 o'clock to-
morrow to continue consideration of the bill.

NEW HOME.

Washington, Dec. 18.—Representative
Richardson, of Alabama, today intro-
duced in the House a bill to establish
a Soldiers' Home for disabled Union
and Confederate soldiers, at Huntsville,
Alabama.

LONDON'S CHANGE.

(By Telegraph to Virginian-Pilot.)

London, Dec. 18.—At the annual
conference of the National Union of Con-
servative Associations today Lord Salis-
bury, commenting on the remarkable
change of London from a radical to a
stronghold, remarked that the only
radicalism remaining was found where
the burning question was the housing
of the poor. The Conservatives, he
added, could not more accurately main-
tain their hold on the public than by
devoting their whole power to remov-
ing this scandal of civilization—the
suffering many working people had to
endure, and providing adequate, healthful
habitations for the poor. Alluding to
the war, Lord Salisbury said if they
wished to sustain the Empire and
maintain the glory of England unim-
paired until this great enterprise was
carried out, for on the issue thereof
depended the glory and perpetuity of
the Empire.

It might require a strenuous effort
and great sacrifice. The present was
a period of some anxiety.

"We," said the premier, "do not
know exactly what has taken place. We
earnestly hope the issue may be better
than the beginning. But we have to
push it through. Maybe there are mat-
ters which have not been explained,
and when explained it may be subject
of scrutiny as to the steps whereby
the present results have reached. But
we must spare no effort whereby the
glory and the maintenance of our Em-
pire may be achieved."

THE NEW WARSHIPS.

NEWPORT NEWS WILL BUILD A
BATTLESHIP.

(By Telegraph to Virginian-Pilot.)

Washington, Dec. 18.—The Board of
Navy Construction, considering the
bids for the construction of battleships
and cruisers, has settled these points:
One of the big armored cruisers shall
go to Cramps, one to Newport News
and one to the Union Iron Works in
California. One battleship shall go to
the Fore River Engine Works at Quincy,
Mass.

MAY GET TWO MORE.

This leaves seven ships to be disposed
of, and while in view of the fact that
another meeting of the board is to be
had, it is not possible to make the pre-
diction with absolute accuracy, the in-
dications are that these will be distrib-
uted as follows: One cruiser and one
battleship to Cramps, making three for
them; one cruiser and one battleship to
Newport News, making three for them;
one cruiser and one battleship to the
Union Iron Works, making three for
them. There is still a possibility
that the Fore River, of Seattle,
may get the battleship slated for the
Union Iron Works.

BRABANT'S FORCE RETIRED WITH LOSS.

Boers Cross the Orange River
Into Cape Colony.

GEN. CLEMENTS' REPULSE.

Details of the Late Disastrous Defeat of the
British at Nootgedacht Indicate That
Entire Force Narrowly Escaped Cap-
ture—The Boers, After Their Retreat,
Held Prayer Meeting and Sang Hymns—
Colonel Legge's Splendid Bravery—Lord
Kitchener Reports Wounded Doing Well

(By Telegraph to Virginian-Pilot.)

Cape Town, Dec. 18.—The Boers who
crossed the Orange River into Cape
Colony west of Aliwal North on Sat-
urday encountered the Cape Rifles and
Brabant's force, who retired with loss.
THE LATE BRITISH DEFEAT.

Johannesburg, Monday, Dec. 17.—De-
tails of the defeat of the British at
Nootgedacht indicate that General
Clements' entire force had a narrow
escape from capture. The Boer plans
were splendidly laid. If the main
British column had tarried a little longer
there would have been a complete
success for the Boers, who exposed
themselves unflinchingly, yelling and
waving their arms. Their rushes were
only stemmed by artillery.

BOERS SANG HYMNS.

After the British retreat the Boers
held a prayer meeting. Their hymns
could be heard by the retreating British.
All accounts indicate a heavy Boer
loss.

A BRAVE OFFICER.

Colonel Legge exhibited splendid
bravery. He shot five Boers with his
revolver before he fell with three bul-
lets in his body.

WOUNDED DOING WELL.

London, Dec. 18.—Lord Kitchener, in
a dispatch from Pretoria, dated De-

THE SUPREME COURT IS TO DETERMINE

The Status of Porto Rico and the
Philippines.

ARGUMENTS OF ATTORNEYS.

Counsel For Appellants Contend That the
Power to Govern Territory Acquired by
United States is Delegated to Congress
by the Constitution and Limited and the
Limits Imposed Cannot Be Transcended
—The Imposition of Customs Duties
Upon Commerce Between These Islands
and This Country is Illegal.

(By Telegraph to Virginian-Pilot.)

Washington, Dec. 18.—Arguments in
the Porto Rico-Philippines cases, in-
volving the status of those countries
to the United States were resumed in
the United States Supreme Court to-
day. Mr. Perkins, of counsel for appel-
lants, denied that the constitution in
its extended to the territories by
declaring that it was an inanimate sub-
stance, lacking the powers of locomo-
tion.

CITIZENS OF UNITED STATES.

Justice White asked if Mr. Perkins
contention would lead him to the con-
clusion that immediately upon the
making of a treaty ceding territory to
the United States every person born
in that territory after the date of ces-
sion became ipso jure a citizen of the
United States.

Mr. Perkins answered that undoubt-
edly persons born in the territory after
the cession and subject to the jurisdic-
tion of the United States were citi-
zens of the United States.

Mr. Perkins said the limitations of
his answer was intended to cover spe-
cial circumstances, relating to Indians
and uncivilized people. "The people of
the United States in and by the con-
stitution," Mr. Perkins concluded, "or-

stantly bound and privileged by the
laws which Congress had passed to
raise a revenue from duties on imports
and tonnage.
PRESIDENT WITHOUT AUTHOR-
ITY.

"The President of the United States
has no legislative power. The imposi-
tion of customs duties upon commerce
between these islands and other parts
of the United States after the treaty
of peace and exchange of ratifications
by legislative order is without lawful
authority, and the seizure of the prop-
erty of the plaintiff in error, a citizen
of the United States, under such pre-
tended authority, constitutes a taking
of his property without due process of
law."

ATTORNEY GENERAL'S ARGU- MENT.

Attorney General Griggs began his
argument for the government late this
afternoon. He frequently resounded
his points with resounding knocks on
the table. The Attorney General con-
tended that the United States has the
power to acquire territory; then to
govern it; that administration con-
struction, Congressional action and ju-
dicial precedent affirm that every port
in a ceded country is properly regarded
as foreign until laws are extended by
Congress to the new possessions; that
the clause of the constitution of the
United States declaring duties uniform
throughout the United States is not in-
explicable to new possessions, and that
the constitution does not extend of its
own force over acquired territory.

He laid down as established the two
following propositions:
(1) That the tariff act of 1897 was in-
tended by Congress to classify as for-
eign all countries not a part or belong-
ing to the United States at the time of
its possession, and the subsequent ces-
sion of the Spanish islands to the United
States did not operate to admit im-
ports from those islands free of duty
under that law; (2) that the tariff act
so construed and enforced violates no
constitutional rule of uniformity.

THE PARIS TREATY.

The Attorney General declared that
there was no doubt that it was the in-
tention of the Paris treaty not to make
ceded islands a part of the United
States, and that it was intended
not to make the inhabitants of these
islands citizens. The only thing that
could justify the declaration that the
treaty is invalid would be that it vi-
olates the constitution of the United
States.

He said that the practical construc-
tion put upon the constitution by the
executive and Congressional branches
of the government for a hundred years
has, with one partial exception, been
uniform in regarding acquired ter-
ritory as neither bound nor privileged by
that instrument until brought within
its operation, either by express com-
pact in the treaty or by act of Con-
gress; and that acts of Congress do not
apply to after-acquired territory until
extended to it by its subsequent legis-
lative enactment.

"The conceded power to acquire prop-
erty by treaty or by conquest," he said,
"includes the right to prescribe what
terms the United States will agree to
in fixing the future status of its inhabi-
tants," and he cited the native Indian
tribes as cases in point. He asserted
that "the treaty-making power of the
government has exercised the right to
deal with the status of the inhabitants
of ceded territory in every treaty of
cession from 1821 to 1898, and that this
practice is entirely at variance with
the doctrine that the constitution fol-
lows the flag."

THE PHILIPPINES.

A SMALL ENGAGEMENT—RE-
TURNING VOLUNTEERS—RE-
NEWED ACTIVITY EX-
PECTED.

(By Telegraph to Virginian-Pilot.)

Manila, Dec. 18.—Lieut. Herbert L.
Evans, of the Forty-fourth Volunteer
Infantry Regiment, with fifty men, at-
tacked December 12 several hundred
bedouens and fifty insurgents armed
with rifles, occupying an entrenched
position at Tonoxigan, Island of Cebu.
The Americans had three men wound-
ed and the enemy lost twelve men killed
and many wounded.

THE VOLUNTEER REGIMENTS.

The volunteer regiments will pro-
ceed to the United States to be must-
ered out in the same order as they
arrived in the Philippine Islands. They
will be replaced by regulars provided
by the army bill. The Thirty-seventh
Volunteer Regiment, which is to begin
the homeward movement by embark-
ing on New Year's Day, will be brought
from the Laguna de Bay district and
will sail on the transport Sheridan. The
women and sick soldiers who were to
sail on the Sheridan will leave on the
Warren Saturday. The Eleventh Cav-
alry, which is to follow the Twenty-
seventh Volunteer Regiment, will be
transferred here from Camarines pro-
vince and will sail January 15 on the
Mendez. The Twenty-fifth Regiment,
which began service the earliest, in
July, 1899, is now in the province of
Ilocos, but will be transported here
soon.

The officers of the regular army hold-
ing commission in volunteer regiments
will be retained in the Philippines, and
volunteer officers on special duty will
be relieved only on the authority of
headquarters.

Arms, ammunition, equipment, stores
and animals will be transferred to di-
vision headquarters, excepting a hun-
dred rifles, a hundred cartridge belts
and five thousand rounds of ammuni-
tion per regiment. The men will retain
their haversacks and utensils. Volun-
teers desiring to leave the service and
remain in the Philippines will be al-
lowed to do so. Enlisted natives will
be discharged.

RENEWED ACTIVITY EXPECTED.

It is believed that the temporary
depletion of many posts and the check-
ing of operations will result in renewed
insurgent activity. The announcement
this afternoon of the early commence-
ment of the sending home of the vol-
unteers caused a surprise. General
Hughes reports that 21,000 persons in
the Island of Panay have sworn allegi-
ance to the United States.

Murder and Suicide.

(By Telegraph to Virginian-Pilot.)

Bedford, Pa., Dec. 18.—Arthur Spear
Metzgar, a stained glass manufacturer,
of Newark, N. J., shot and almost in-
stantly killed his wife, Elsie Dimmore
Metzgar, at Hopewell, Bedford county,
early this morning and then shot him-
self, dying in a few minutes.

THE CHINESE GIVE ALLIES TROUBLE.

Effect of Agreement Reached By
Ministers is Not Satisfactory.

WHAT THE ALLIES NEGLECTED

Having Failed to Close Arsenals and Fac-
tories at Hankow and Shanghai and
Check Transmission of Supplies, Tung
Fuh Sang Can Supply His Army—Field
Marshal Von Waldersee Divides Pekin
Neighborhood Districts For Patrol
Duty—What the Americans Get.

(By Telegraph to Virginian-Pilot.)

London, Dec. 18.—A Pekin dispatch
to the Pall Mall Gazette, dated Decem-
ber 17, says:

"The situation has not improved by
the representatives of the powers hav-
ing reached an agreement, as the scope
of the negotiations is limited and the
effect is neutralized. The allies have
neglected to close the arsenals and
factories at Hankow and Shanghai and
have failed to check the trans-
mission of supplies of ammunition to
the Chinese. Tung Fuh Sang thus has
the opportunity of rallying and equip-
ping his army. He has secured the
whole of the movements of troops. It
will be necessary to give the military
operations of the allies a wider area."

Rome, Dec. 18.—A Pekin dispatch,
dated today, says the ministers at
Pekin will meet tomorrow, when prob-
ably a final agreement will be reached
as to the text of the joint Chinese note.

ASSIGNMENT OF DISTRICTS.

Pekin, Dec. 18.—Count Von Walder-
see has issued an order assigning
various districts in the neighborhood of
Pekin for supervision to the various
representatives of the various powers.
The order says that the extent to
which the co-operation of the French
and American troops can be depended
upon is a matter to be determined by
agreements made with the generals
commanding these forces.

Under the plan the United States
troops will supervise the district south-
east of Pekin, from the road to Tshang-
Tshang to the road extending from
Naku-Krin to Ho Si Wu.

CHINESE FORCES.

Count Waldersee says he knows that
there is a considerable force of Chinese
under General Ma in the northern part
of the province of Shan Si, and an-
other south of Tshang-Tshang; but
during the severe winter that has now
set in he does not expect any aggres-
sive Chinese movement. On the other
hand, wherever the allies leave a dis-
trict for any length of time bands of
robbers and bandits will congregate.
For this reason the field marshal de-
sires the co-operation of all the allies
to cover the various districts with
strong patrols.

It is now understood that a meeting
of the foreign envoys will be held to-
morrow.

A GLOOMY OUTLOOK.

London, Dec. 18.—"An experienced
general with whom I conversed today,"
says the Pekin correspondent of the
Morning Post, writing Monday, "con-
siderable a settlement by next spring im-
probable. He foresees some danger of
complications here that will disturb the
peace of Europe."

THE DOWAGER'S FAVORITE.

London, Dec. 18.—"It is reported from
Sien-Fu," says the Shanghai corres-
pondent of the Standard, "that the
real director of the grand council is the
Empress Dowager's favorite eunuch,
Li Lien Yung, who was erroneously
reported dead last April. He is respon-
sible for the general confusion and in-
decision. His latest suggestion is that
the court should proceed to Nankin."

"General Tung Fu Hsiang is said to
be still at Sien Fu. An imperial de-
cree authorizes the governors of the
provinces of Shan Si and Shen Si to
sell titles and decorations for the ben-
efit of sufferers from famine."

PROPOSAL SUPPORTED.

London, Dec. 18.—"Great Britain's
proposed alterations in the protocol
of the joint note have been practically
accepted by all the powers," says the
Pekin correspondent of the Daily Mail,
writing Monday. "Both Russia and
Japan, whose support was regarded as
doubtful have agreed." Only the atti-
tude of the United States remains
as yet not clearly defined; but the
acquiescence of America is anticipated
and it is probable that the joint note
will be signed and delivered to the
Chinese plenipotentiaries within three
or four days.

The German Minister has warmly
supported the British proposal.

WILL RESTORE PROPERTY.

Paris, Dec. 18.—The government has
decided that all objects, unless
material of war, which have been seized
or shall be seized by the French volun-
teers in China shall be re-
stored, whether belonging to the Chi-
nese government or to private indi-
viduals.

Plant and Cars Burned.

(By Telegraph to Virginian-Pilot.)

Jackson, Miss., Dec. 18.—The plant of
the Brookhaven Lumber and Manu-
facturing Company and ten freight cars of
the Illinois Central Railroad were de-
stroyed by fire here this morning. The
loss is about \$40,000.

OTHER TELEGRAPH PAGE 6

CLASSIFICATION OF NEWS.

BY DEPARTMENTS.

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